

1. Authority. This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34.

2. Purpose. The purpose of this Bylaw is to reduce flooding, protect water quality, increase groundwater recharge, reduce erosion and sedimentation, promote environmentally sensitive site design practices that protect vegetation and enhance town character, ensure long-term maintenance of stormwater controls and meet federal requirements under Phase II of the National Pollutant Discharge Elimination System.

3. Applicability. This bylaw shall apply to the following activities:

A. Regulated Activities.

1. All development and redevelopment projects that will disturb or alter over 15,000 sq. ft. of land, any development of an undeveloped parcel that will increase stormwater runoff, or a net increase of 25% or more of impervious area even if that alteration is conducted over separate phases and/or by separate owners.
2. All development and redevelopment projects that will disturb or alter over 1,000 square feet of land on slopes greater than 15%, even if that alteration is conducted over separate phases and/or by separate owners.
3. Construction of a new drainage system or alteration of a drainage system, serving a drainage area of more than 15,000 sq. ft. of land.
4. Any development or redevelopment involving "land uses with higher potential pollutant loads," as defined in the Massachusetts Stormwater Standards, Volume 1, Stormwater Policy Handbook. Land uses with higher potential pollutant loads include auto salvage yards, auto fueling facilities (gas stations), fleet storage yards, high-intensity commercial parking lots, road salt storage areas, commercial nurseries, outdoor storage and loading areas of hazardous substances, and marinas.

B. Exempt Activities.

1. Construction on an individual lot within a subdivision that has previously been issued a stormwater permit, so long as the individual lot development conforms to the grading, building envelopes, and drainage patterns described in the subdivision's stormwater permit.
2. Landscaping for a single-family home that involves the addition or removal of fewer than 100 cubic yards of soil material or alteration of less than two feet of elevation with maintenance of existing drainage patterns.
3. Repair and replacement of existing roofs.
4. Construction of walls and fencing that will not alter existing drainage patterns.
5. Use, maintenance, and improvement of agricultural land.

6. Construction of utilities, other than drainage, that will not alter existing terrain or drainage patterns, including repairs to existing septic systems when required by the Board of Health.
7. Emergency repairs to any existing stormwater management facility.
8. Routine maintenance and improvement of town-owned public ways.

4. Administration.

- A.** This bylaw shall be administered by the Planning Board.
- B.** The Planning Board may adopt and amend Stormwater Regulations related to the content of permit applications and the performance standards for development activities, as described in Section 5 below. Failure to promulgate such Regulations shall not have the effect of suspending or invalidating this bylaw.
- C.** The Planning Board and its agents, or its designee, shall review all applications for a Stormwater Permit, conduct necessary inspections and site investigations, issue a final permit, and shall be responsible for monitoring and enforcement of the permit conditions. This may be combined with or included in the review of drainage undertaken before approval of a Definitive Plan or Special Permit.
- D.** The Planning Board may refer any application for a Stormwater Permit to its consulting engineer for review. It may require the applicant to post a Project Review Fee to cover the cost of this review.
- E.** A stormwater permit application shall be evaluated based on the performance standards of the latest edition of the Massachusetts Stormwater management Policy (or its successor.) In the event that Scituate should pass more stringent Stormwater Regulations, these shall be the standards to which applications shall be evaluated.)
- F.** Following receipt of a completed permit application, the Planning Board or its designee shall seek review and comments from the Conservation Commission, Board of Health, Department of Public Works, Water Resources Committee and other town boards or authorities as appropriate. The Planning Board or its designee shall not issue the Stormwater Permit until it has received comments from those boards and authorities to which the application was circulated, or until after 14 days have elapsed since the application was circulated for review, whichever comes first.
- G.** The Planning Board may delegate the authority to issue a Stormwater Permit to its agent or to another town board or authority, in general or under specific conditions, if that board or authority has a substantive role in overall review and permitting of the project, and if that board or authority has adopted by reference the performance standards of this bylaw and accompanying regulations, or the Massachusetts Stormwater Standards, whichever is more restrictive, and has responsibility for their enforcement. Any delegation of authority for review, permitting or enforcement shall be stated in the Stormwater Regulations.

5. Adoption of Regulations.

- A.** The Planning Board may adopt Regulations pursuant to this bylaw after a public hearing and public comment period.
- B.** The public hearing shall be advertised in a newspaper of general local circulation at least seven days before the hearing date.

- B.** Other boards, commissions, and departments with responsibilities that include or are related to stormwater management are encouraged to adopt those Regulations by reference.

6. Submittal requirements. Submittal requirements for subdivisions are defined in the Subdivision Rules and Regulations. Submittal requirements for all other development and site alteration are as defined in the Stormwater Regulations. These may include topographic information; the location and area of land proposed to be cleared or disturbed; the location and area of land proposed to be filled including mounded septic systems; the location, height and length of any proposed retaining walls; and natural areas proposed to be permanently protected, including a description of how they will be protected.

7. Performance Standards.

- A.** Performance standards for site design, erosion control, stormwater management, materials, vegetation, and other aspects of developments shall be outlined in the Rules and Regulations. Performance standards will include (but not limited to) standards for the following:

1. Peak Discharge Rates (flooding protection and channel protection)
2. Recharge Volume
3. Pretreatment and Water Quality
4. Erosion Control
5. Vegetation, Site Design, and Site Restoration

- B.** Applicants shall meet these performance standards or those of the Massachusetts Stormwater Management Policy (and its successors), whichever is more stringent.

8. Review Process.

- A.** Applicants are strongly encouraged to schedule a pre-application meeting with the Town Planner and Conservation Agent to review the proposed development plans at earliest feasible time.
- B.** The stormwater permit review shall not require special public hearing, but stormwater issues may be discussed as part of Public Hearings on the projects. If no Public Hearing is required, the Planning Board or its designee may choose to hold a special public hearing to solicit public comment.
- C.** After review of the application and comments received from other boards, and following the close of a Public Hearing where this hearing is required, the Planning Board or its designee shall take one of the following actions:
 1. Approve the application and issue a Stormwater Permit if it finds that the proposed plan meets the objectives and requirements of this bylaw.
 2. Approve the application and issue a Stormwater Permit with conditions, modifications, or restrictions as necessary to ensure protection of water resources or to meet the objectives of this bylaw.

3. Disapprove the application and deny a permit if it finds the proposed plan will not protect water resources or fails to meet the objectives of this bylaw; or if it finds that the applicant has not submitted information sufficient to make such a determination.

D. Deadline for Action.

1. For a Stormwater Permit for a single family home or a residential duplex, the Planning Board or its designee shall file its decision with the Town Clerk and the Building Commissioner within twenty-one (21) days of the receipt of a completed application. For all other development, a decision shall be made prior to approval of a Special Permit or Definitive Plan, if required, or prior to issuance of a building permit if a Special Permit or Definitive Plan is not required. Upon certification by the Town Clerk that the allowed time has passed without action by the Planning Board or its designee, the Stormwater Permit shall be issued by the Planning Board.
2. The review period may be extended by mutual consent of the Planning Board or its designee and the applicant. Failure to extend the review period or take action on the application before the deadline for action shall be deemed to be approval of such application.

E. Decisions by the Planning Board under this bylaw may be appealed to Superior Court or Land Court.

- 9. Notification, inspections.** Submittal of the stormwater permit application is construed to grant the Planning Board, its agent, or its designee with permission to enter the site for inspection.
- 10. Submittal of as-built plans.** The Planning Board or its designee may require the submittal of as-built plans depicting the construction conditions of the stormwater management system and grading on the site. Specifications for these as-built plans are outlined in the Regulations accompanying this bylaw.
- 11. Surety.** The Planning Board may require the posting of a surety bond until work is completed, or to ensure maintenance of the system.
- 12. Enforcement.** The Planning Board, its agent, or its designee shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Mechanisms and procedures for enforcement shall be detailed in Regulations adopted by the Planning Board pursuant to this Bylaw.
- 13. Severability.** If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.